

2008R01264/ja

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Plaintiff,

v.

JOHN ALFY SALAMA MARKUS,

a/k/a "John Salama,"
a/k/a "John Alfy Salama,"
a/k/a "Habib"

Defendant.

Honorable Jose L. Linares

Criminal No. 11-366

CONSENT JUDGMENT AND
PRELIMINARY ORDER OF
FORFEITURE

WHEREAS, on June 1, 2011, the United States filed an Indictment, Criminal No. 11-366, against defendant John Alfy Salama Markus charging him with wire fraud, in violation of Title 18, United States Code, Sections 1343 and 1346; conspiracy to defraud the United States and to commit the offense of bribery, contrary to Title 18, United States Code, Section 201, in violation of Title 18, United States Code, Section 371; use of a facility in interstate or foreign commerce to distribute proceeds of an unlawful activity and to otherwise promote and facilitate such unlawful activity, in violation of Title 18, United States Code, Sections 1952(a)(1) and (3); and money laundering in violation of Title 18, United States Code, Section 1957; and (4) multiple tax offenses; and

WHEREAS, on September 7, 2012, defendant John Alfy Salama Markus pled guilty to Count 5, Count 39 and Count 54 of the Indictment; and

WHEREAS, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), a person convicted of an offense in violation of Title 18, United States Code, Sections 1343 and 1346, shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to the commission of the offense; and

WHEREAS, pursuant to Title 18, United States Code, Section 982, a person convicted of an offense in violation of Title 18, United States Code, Section 1957 shall forfeit to the United States any property, real or personal, that was involved in the offense or is traceable to such property; and

WHEREAS, by virtue of the above the United States is entitled to:

- a) A money judgment in the amount of at least \$3,700,000 in United States currency;
- b) all right, title, and interest, including all appurtenances and improvements thereon, in the real property known as the Salama Markus Residence, which is located at 404 Jacob Court, Nazareth, Pennsylvania 18064, more particularly described as Parcel Number H7-5-11-21-0406, Block No. 5, Lot No. 11-21 in the County of Northampton,
- c) a 2007 Cadillac STS, 4-door sedan bearing Vehicle Identification Number ("VIN") 1G6DW677970183529;
- d) a 2008 Harley-Davidson Electra Glide Ultra Classic motorcycle bearing VIN 1HD1FC4488Y640938;
- e) a 2007 Chevrolet Corvette Convertible bearing VIN 1G1YY36U275139074;
- f) a 2008 Subaru Tribeca bearing VIN 4S4WX93D984414323;
- g) a 2009 Harley-Davidson motorcycle bearing VIN 1HD1MAM119Y852405;

- h) a 2008 Ford F-450 Truck bearing VIN 1FTXW43R98EE25374; and
- i) a 2009 Lexus IS 250, 4-door sedan, bearing VIN JTHCK262595028371 (items a-i collectively the "Forfeitable Property") (items b-i collectively the "Specific Assets").

WHEREAS, defendant John Alfy Salama Markus acknowledges that the Forfeitable Property was involved in an offense in violation of Title 18, United States Code, Section 1957, that it represents the amount of proceeds obtained as a result of his offenses or is derived from proceeds traceable to the commission of his wire fraud offenses in violation of 18 U.S.C. § 1343 as set forth in the Indictment, and that the Forfeitable Property is therefore subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(c), Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 982; and

WHEREAS, defendant John Alfy Salama Markus agreed to forfeit the Forfeitable Property, waives all interests in and claims to the Forfeitable Property, and hereby consents to the forfeiture of the Forfeitable Property to the United States; and

WHEREAS, defendant John Alfy Salama Markus wife, Susan Murray, entered into an agreement whereby she disclaimed any interest in the Forfeitable Property, consents to the judicial forfeiture of the Forfeitable Property and further agrees to execute whatever documents are necessary to transfer clear title to the United States; and

WHEREAS, defendant John Alfy Salama Markus:

(1) Agrees to consent promptly upon request to the entry of any orders deemed necessary by the Government or the Court to complete the forfeiture and disposition of the Forfeitable Property;

(2) Waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in his presence at sentencing, and incorporation of the forfeiture in the Judgment;

(3) Acknowledges that he understands that forfeiture of the Forfeitable Property will be part of the sentence imposed upon him in this case and waives any failure by the Court to advise defendant John Alfy Salama Markus of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing;

(4) Will, pursuant to Rule 32.2(b)(3), promptly consent to the finalization of the order of forfeiture before sentencing if requested by the Government to do so;

(5) Waives, and agrees to hold the United States and its agents and employees harmless from, any and all claims whatsoever in connection with the seizure, forfeiture, and disposal of the Forfeitable Property described above;

(6) Waives all constitutional and statutory challenges of any kind to any forfeiture carried out pursuant to this consent judgment;

(7) Agrees to cooperate in resolving third-party claims in favor of the United States, and for good and sufficient cause shown;

It is hereby **ORDERED, ADJUDGED, AND DECREED:**

THAT the herein described assets, namely:

- a) A money judgment in the amount of at least \$3,700,000 in United States currency;
- b) all right, title, and interest, including all appurtenances and improvements thereon, in the real property known as the Salama Markus Residence, which is located at 404 Jacob Court, Nazareth, Pennsylvania 18064, more particularly described as Parcel Number H7-5-11-21-0406, Block No. 5, Lot No. 11-21 in the County of Northampton,
- c) a 2007 Cadillac STS, 4-door sedan bearing Vehicle Identification Number ("VIN") 1G6DW677970183529;
- d) a 2008 Harley-Davidson Electra Glide Ultra Classic motorcycle bearing VIN 1HD1FC4488Y640938;
- e) a 2007 Chevrolet Corvette Convertible bearing VIN 1G1YY36U275139074;
- f) a 2008 Subaru Tribeca bearing VIN 4S4WX93D984414323;
- g) a 2009 Harley-Davidson motorcycle bearing VIN 1HD1MAM119Y852405;
- h) a 2008 Ford F-450 Truck bearing VIN 1FTXW43R98EE25374; and
- i) a 2009 Lexus IS 250, 4-door sedan, bearing VIN JTHCK262595028371,

are hereby forfeited to the United States of America pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 982, for disposition in accordance with the provisions of Title 21, United States Code,

Section 853; and

THAT, pursuant to Title 21, United States Code, Section 853(n)(1), the United States shall publish notice of this Order and of its intent to dispose of the Forfeitable Property in such a manner as the Attorney General may direct, including posting notice on the official internet government forfeiture site, namely www.forfeiture.gov, for at least 30 consecutive days; and

THAT, pursuant to Title 21, United States Code, Section 853(n)(2), any person, other than defendant John Alfy Salama Markus, asserting a legal interest in any of the above-listed property must file a petition with the Court within **thirty (30)** days of the final publication of notice or of receipt of actual notice, whichever is earlier, and state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property; and

THAT, pursuant to Title 21, United States Code, Section 853(n)(3), the petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, and any additional facts supporting the petitioner's claim and the relief sought; and

THAT, the United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Forfeitable Property, as a substitute for published notice as to those persons so notified; and

THAT, the aforementioned Forfeitable Property is to be held by the appropriate United States agency in its secure custody and control until the appropriate disposition of said Forfeitable Property by the United States; and

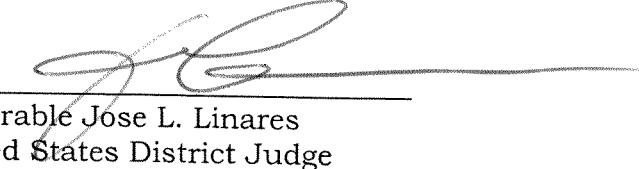
THAT, the value of the Specific Assets actually received by the United States, which does not include commission, fees, or any other expenses incurred in the liquidation of the Specific Assets, will be applied in partial satisfaction of the money judgment; and

THAT, it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 21, United States Code, Section 982(b) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of defendant John Alfy Salama Markus up to the value of the property described above, if the Forfeitable Property or any portion thereof, as a result of any act or omission of defendant John Alfy Salama Markus:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty; and

THAT, upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

ORDERED this 7 day September, 2012.

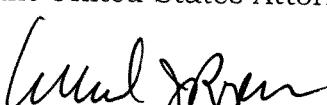

Honorable Jose L. Linares
United States District Judge

The undersigned hereby consent to the entry and form of this order:

PAUL J. FISHMAN
United States Attorney


By: SANDRA MOSER
Assistant United States Attorney

Dated: 9/7/12


MICHAEL J. ROGERS, ESQ.
Attorney for Defendant John Alfy Salama Markus

Dated: 9-7-12


Defendant John Alfy Salama Markus

Dated: 9/7/12